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July 26, 2019

The Honorable Sonny Perdue  
Secretary  
U.S. Department of Agriculture  
1400 Independence Avenue, SW  
Washington DC 20250

Dear Secretary Perdue:

I am writing regarding the Department's recently published proposed rule, *Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP)*. As you know, the proposed rule will impact not only SNAP eligibility, but will also affect children's eligibility for school meal programs. Specifically, children who live in households that participate in SNAP are directly certified to receive free school meals. Additionally, SNAP participation is used to determine eligibility for the Community Eligibility Provision, which allows schools to provide free meals to all students in high-poverty communities.

In a phone briefing with House Committee on Education and Labor staff on July 22, 2019, your staff stated that the Department's Food and Nutrition Service (FNS) estimates that the proposed rule will result in more than 500,000 children losing their automatic eligibility for free school meals. However, when the rule was published in the Federal Register, the Regulatory Impact Analysis (RIA) did not include discussion of the rule's impact on free school meal eligibility.

As you know, under section 1(b) of Executive Order 13563, *Improving Regulation and Regulatory Review*, the Department is required to provide "for both proposed and final rules, timely online access to the rulemaking docket on regulations.gov, including relevant scientific and technical findings." The effect on school meal eligibility represents an important technical finding that must be made public so that stakeholders have the opportunity to comment on all aspects of the rule's impact.

Therefore, I request that you provide the following information to the Committee:

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- Please confirm that the information provided to the Committee regarding the number of children who will lose automatic eligibility for free school meals is accurate; and
- Please provide an explanation of why the impact on school meal eligibility was not included in the RIA published in the Federal Register.

Additionally, I request that the Department take the following immediate actions:

- Revise the proposed rule's RIA published in the Federal Register to include any impact on school meal eligibility, including the number of children who will lose automatic eligibility for free school meals under the rule and how the Department calculated this number; and
- Once the revision of the RIA is published in the Federal Register, restart the 60-day comment period.

Thank you for your attention to this critical matter.

Sincerely,



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ROBERT C. "BOBBY" SCOTT

Chairman